

## 2013 DRAFTING REQUEST

### Assembly Substitute Amendment (ASA-AB68)

Received: 9/3/2013 Received By: phurley  
Wanted: As time permits Same as LRB:  
For: Jim Ott (608) 266-0486 By/Representing:  
May Contact: Drafter: phurley  
Subject: Drunk Driving - other Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.OttJ@legis.wisconsin.gov  
Carbon copy (CC) to:

#### Pre Topic:

No specific pre topic given

#### Topic:

Eliminate lookbacks for OWI offenses

#### Instructions:

Eliminate 10 year lookback for 2d OWI and 5 year lookback for 4th = felony (so that all 4ths = felonies)

#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 9/5/2013			_____			
/1		scalvin 9/6/2013	rschluet 9/6/2013	_____	lparisi 9/6/2013	lparisi 9/6/2013	

FE Sent For:

<END>

11-05-2013  
(see attached)

# **2013 DRAFTING REQUEST**

## **Assembly Substitute Amendment (ASA-AB68)**

Received: 9/3/2013 Received By: phurley  
 Wanted: As time permits Same as LRB:  
 For: Jim Ott (608) 266-0486 By/Representing:  
 May Contact: Drafter: phurley  
 Subject: Drunk Driving - other Addl. Drafters:  
 Extra Copies:

Submit via email: YES  
 Requester's email: Rep.OttJ@legis.wisconsin.gov  
 Carbon copy (CC) to:

### **Pre Topic:**

No specific pre topic given

### **Topic:**


Eliminate lookbacks for OWI offenses ✓

### **Instructions:**

Eliminate 10 year lookback for 2d OWI and 5 year lookback for 4th = felony (so that all 4ths = felonies)

2011 AB 405

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley	/1 sac 09/06/2013		_____	_____		

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0728/2

PJH:jld:jf

## 2013 ASSEMBLY BILL 68

March 14, 2013 - Introduced by Representatives J. OTT, STONE, ENDSLEY, KOOYENGA, T. LARSON, THIESFELDT, JACQUE and LEMAHIEU, cosponsored by Senators DARLING, LEIBHAM, RISSER, CARPENTER and KEDZIE. Referred to Committee on Judiciary.

1     **AN ACT to amend** 346.65 (2) (am) 1., 346.65 (2) (am) 2., 346.65 (2) (bm), 346.65  
2             (2g) (a), 346.65 (2g) (ag), 346.65 (2g) (d) and 346.65 (7); and **to create** 346.65  
3             (2) (am) 1m. of the statutes; **relating to:** penalties for driving a vehicle while  
4             under the influence of an intoxicant and providing a penalty.

---

### ***Analysis by the Legislative Reference Bureau***

Under current law, a first offense for operating a motor vehicle while having a prohibited alcohol concentration (0.08 in most circumstances) or while under the influence of alcohol, a controlled substance, or both (OWI offense), is a civil violation. A person who commits a first OWI offense is subject to a forfeiture of not less than \$150 nor more than \$300. A second OWI offense is a crime and is punishable by a fine of not less than \$350 nor more than \$1,100, imprisonment for not less than five days nor more than six months, or both. Subsequent OWI offenses are also crimes punishable by fines and periods of imprisonment that increase with every subsequent offense.

Under this bill, a person who commits a first OWI offense with an alcohol concentration of 0.15 or greater is guilty of a crime and may be fined not less than \$350 nor more than \$1,100 and imprisoned for not less than five days nor more than six months. The bill also increases the penalty for a second OWI offense to a fine of not less than \$500 nor more than \$1,500, imprisonment for not less than ten days nor more than six months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

**ASSEMBLY BILL 68**

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 346.65 (2) (am) 1. of the statutes is amended to read:

2       346.65 (2) (am) 1. Shall forfeit not less than \$150 nor more than \$300, except  
3 as provided in subds. 2. 1m. to 5. 7. and par. (f).

4       **SECTION 2.** 346.65 (2) (am) 1m. of the statutes is created to read:

5       346.65 (2) (am) 1m. Except as provided in subds. 2. to 7., if the person had an  
6 alcohol concentration of 0.15 or more, shall be fined not less than \$350 nor more than  
7 \$1,100 and imprisoned for not less than 5 days nor more than 6 months.

8       **SECTION 3.** 346.65 (2) (am) 2. of the statutes is amended to read:

9       346.65 (2) (am) 2. Except as provided in pars. (bm) and (f), shall be fined not  
10 less than ~~\$350~~ \$500 nor more than ~~\$1,100~~ \$1,500 and imprisoned for not less than  
11 ~~5~~ 10 days nor more than 6 months if the number of convictions under ss. 940.09 (1)  
12 and 940.25 in the person's lifetime, plus the total number of suspensions,  
13 revocations, and other convictions counted under s. 343.307 (1) within a 10-year  
14 period, equals 2, except that suspensions, revocations, or convictions arising out of  
15 the same incident or occurrence shall be counted as one.

16       **SECTION 4.** 346.65 (2) (bm) of the statutes is amended to read:

17       346.65 (2) (bm) In any county that opts to offer a reduced minimum period of  
18 imprisonment for the successful completion of a probation period that includes  
19 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)  
20 and 940.25 in the person's lifetime, plus the total number of suspensions,

**ASSEMBLY BILL 68**

1 revocations, and other convictions counted under s. 343.307 (1) within a 10-year  
2 period, equals 2, except that suspensions, revocations, or convictions arising out of  
3 the same incident or occurrence shall be counted as one, the fine shall be the same  
4 as under par. (am) 2., but the period of imprisonment shall be not less than ~~5~~ 10 days,  
5 except that if the person successfully completes a period of probation that includes  
6 alcohol and other drug treatment, the period of imprisonment shall be not less than  
7 ~~5~~ 10 nor more than ~~7~~ 14 days. A person may be sentenced under this paragraph  
8 or under par. (cm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her  
9 lifetime.

10 **SECTION 5.** 346.65 (2g) (a) of the statutes is amended to read:

11 346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)  
12 to provide that a defendant perform community service work for a public agency or  
13 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.  
14 (2) (am) 1m., 2., 3., 4., 4m., and 5., (f), and (g) and except as provided in par. (ag), the  
15 court may provide that a defendant perform community service work for a public  
16 agency or a nonprofit charitable organization in lieu of part or all of a forfeiture under  
17 sub. (2) (am) 1. or may require a person who is subject to sub. (2) to perform  
18 community service work for a public agency or a nonprofit charitable organization  
19 in addition to the penalties specified under sub. (2).

20 **SECTION 6.** 346.65 (2g) (ag) of the statutes is amended to read:

21 346.65 (2g) (ag) If the court determines that a person does not have the ability  
22 to pay a fine imposed under sub. (2) (am) 1m., 2., 3., 4., 4m., or 5., (f), or (g), the court  
23 shall require the defendant to perform community service work for a public agency  
24 or a nonprofit charitable organization in lieu of paying the fine imposed or, if the  
25 amount of the fine was reduced under sub. (2e), in lieu of paying the remaining

**ASSEMBLY BILL 68****SECTION 6**

1 amount of the fine. Each hour of community service performed in compliance with  
2 an order under this paragraph shall reduce the amount of the fine owed by an amount  
3 determined by the court.

4 **SECTION 7.** 346.65 (2g) (d) of the statutes is amended to read:

5 346.65 (2g) (d) With respect to imprisonment under sub. (2) (am) 1m. or 2., the  
6 court shall ensure that the person is imprisoned for not less than 5 days the minimum  
7 term of imprisonment under sub. (2) (am) 1m. or 2. or ordered to perform not less than  
8 30 days of community service work under s. 973.03 (3) (a).

9 **SECTION 8.** 346.65 (7) of the statutes is amended to read:

10 346.65 (7) A person convicted under sub. (2) (am) 1m., 2., 3., 4., 4m., 5., 6., or  
11 7. or (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than  
12 a 48-consecutive-hour period.

13 **SECTION 9. Initial applicability.**

14 (1) This act first applies to violations committed on the effective date of this  
15 subsection, but does not preclude the counting of other convictions, suspensions, or  
16 revocations as prior convictions, suspensions, or revocations for purposes of  
17 administrative action by the department of transportation or sentencing by a court.

18 **SECTION 10. Effective date.**

19 (1) This act takes effect on January 1, 2015.

20 (END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0105/P1

PJM Sec

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO ASSEMBLY BILL 68**

By  
9-9-13 an  
d note

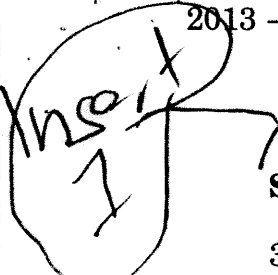
*gen eat*  
**AN ACT** *relating to:* driving a vehicle while under the influence of an  
intoxicant.

***The people of the state of Wisconsin, represented in senate and assembly, do  
enact as follows:*** ✓

**SECTION 1.** 346.65 (2) (am) 2. of the statutes is amended to read:

346.65 (2) (am) 2. Except as provided in pars. (bm) and (f), shall be fined not  
less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more  
than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the  
person's lifetime, plus the total number of suspensions, revocations, and other  
convictions counted under s. 343.307 (1) ~~within a 10-year period~~, equals 2, except  
that suspensions, revocations, or convictions arising out of the same incident or  
occurrence shall be counted as one.

**History:** 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993  
a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a.  
33, 97, 139, 326; 2005 a. 149, 317, 389; 2007 a. 97, 111; 2009 a. 100, 180; 2011 a. 258; 2013 a. 39.

 **SECTION 2.** 346.65 (2j) (am) 2. of the statutes is amended to read:

346.65 (2j) (am) 2. Except as provided in pars. (bm) and (d), shall be fined not less than \$300 nor more than \$1,000 and imprisoned for not less than 5 days nor more than 6 months if the number of prior convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspension, and revocations counted under s. 343.307 (2) ~~within a 10-year period~~, equals 2.

**History:** 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993 a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; 1999 a. 32, 109; 2001 a. 16 ss. 3443k, 4060gm, 4060hw, 4060hy; 2001 a. 109; 2003 a. 33, 97, 139, 326; 2005 a. 149, 317, 389; 2007 a. 97, 111; 2009 a. 100, 180; 2011 a. 258; 2013 a. 39.

(END)





**ASSEMBLY BILL 405**

OWI offense to receive a reduced minimum period of imprisonment if the person completes a probation period that includes alcohol and other drug treatment.

Under this bill, a person who commits a fourth OWI offense, regardless of the time elapsed since his or her last prior offense, is guilty of a Class H felony and subject to the same penalties as a person who commits a fifth or sixth OWI offense: a minimum fine of \$600, a six-month minimum term of imprisonment, and a six-year maximum term of imprisonment. The bill eliminates, for a person who commits a fourth OWI offense, the option for a reduced period of imprisonment based on completing a period of probation that includes alcohol and other drug treatment.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 346.65 (2) (am) 4. of the statutes is repealed.

2           SECTION 2. 346.65 (2) (am) 4m. of the statutes is repealed.

3           SECTION 3. 346.65 (2) (am) 5. of the statutes is amended to read:

4           346.65 (2) (am) 5. Except as provided in pars. (f) and (g), is guilty of a Class H  
5           felony and shall be fined not less than \$600 and imprisoned for not less than 6 months  
6           if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime,  
7           plus the total number of suspensions, revocations and other convictions counted  
8           under s. 343.307 (1), equals 4, 5 or 6, except that suspensions, revocations or  
9           convictions arising out of the same incident or occurrence shall be counted as one.

10          SECTION 4. 346.65 (2) (bm) of the statutes is amended to read:

11          346.65 (2) (bm) In any county that opts to offer a reduced minimum period of  
12          imprisonment for the successful completion of a probation period that includes  
13          alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)  
14          and 940.25 in the person's lifetime, plus the total number of suspensions,

1 revocations, and other convictions counted under s. 343.307 (1) ~~within a 10-year~~  
2 ~~period,~~ equals 2, except that suspensions, revocations, or convictions arising out of  
3 the same incident or occurrence shall be counted as one, the fine shall be the same  
4 as under par. (am) 2., but the period of imprisonment shall be not less than 5 days,  
5 except that if the person successfully completes a period of probation that includes  
6 alcohol and other drug treatment, the period of imprisonment shall be not less than  
7 5 nor more than 7 days. A person may be sentenced under this paragraph or under  
8 par. (cm) ~~or (dm)~~ or sub. (2j) (bm); or (cm), ~~or (er)~~ or (3r) once in his or her lifetime.

9 SECTION 5. 346.65 (2) (cm) of the statutes is amended to read:

10 346.65 (2) (cm) In any county that opts to offer a reduced minimum period of  
11 imprisonment for the successful completion of a probation period that includes  
12 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)  
13 and 940.25 in the person's lifetime, plus the total number of suspensions,  
14 revocations, and other convictions counted under s. 343.307 (1) equals 3, except that  
15 suspensions, revocations, or convictions arising out of the same incident or  
16 occurrence shall be counted as one, the fine shall be the same as under par. (am) 3.,  
17 but the period of imprisonment shall be not less than 45 days, except that if the  
18 person successfully completes a period of probation that includes alcohol and other  
19 drug treatment, the period of imprisonment shall be not less than 14 days. A person  
20 may be sentenced under this paragraph or under par. (bm) ~~or (dm)~~ or sub. (2j) (bm);  
21 or (cm), ~~or (er)~~ or (3r) once in his or her lifetime.

22 SECTION 6. 346.65 (2) (dm) of the statutes is repealed.

23 SECTION 7. 346.65 (2) (f) 2. of the statutes is amended to read:

24 346.65 (2) (f) 2. If there was a minor passenger under 16 years of age in the  
25 motor vehicle at the time of the violation that gave rise to the conviction under s.

## ASSEMBLY BILL 405

## SECTION 7

1 346.63 (1), the applicable minimum and maximum fines and imprisonment under  
2 par. (am) 2. to 7. for the conviction are doubled. An offense under s. 346.63 (1) that  
3 subjects a person to a penalty under par. (am) 3., ~~4., 4m.,~~ 5., 6., or 7. when there is  
4 a minor passenger under 16 years of age in the motor vehicle is a felony and the place  
5 of imprisonment shall be determined under s. 973.02.

6 **SECTION 8.** 346.65 (2c) of the statutes is amended to read:

7 346.65 (2c) In sub. (2) (am) 2., 3., ~~4., 4m.,~~ 5., 6., and 7., the time period shall  
8 be measured from the dates of the refusals or violations that resulted in the  
9 revocation or convictions. If a person has a suspension, revocation, or conviction for  
10 any offense under a local ordinance or a state statute of another state that would be  
11 counted under s. 343.307 (1), that suspension, revocation, or conviction shall count  
12 as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., ~~4., 4m.,~~ 5.,  
13 6., and 7.

14 **SECTION 9.** 346.65 (2g) (a) of the statutes is amended to read:

15 346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a)  
16 to provide that a defendant perform community service work for a public agency or  
17 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.  
18 (2) (am) 2., 3., ~~4., 4m.,~~ and 5., (f), and (g) and except as provided in par. (ag), the court  
19 may provide that a defendant perform community service work for a public agency  
20 or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub.  
21 (2) (am) 1. or may require a person who is subject to sub. (2) to perform community  
22 service work for a public agency or a nonprofit charitable organization in addition  
23 to the penalties specified under sub. (2).

24 **SECTION 10.** 346.65 (2g) (ag) of the statutes is amended to read:

## ASSEMBLY BILL 405

Insert  
clnt.

346.65 (2g) (ag) If the court determines that a person does not have the ability to pay a fine imposed under sub. (2) (am) 2., 3., ~~4., 4m.,~~ or 5., (f), or (g), the court shall require the defendant to perform community service work for a public agency or a nonprofit charitable organization in lieu of paying the fine imposed or, if the amount of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the fine. Each hour of community service performed in compliance with an order under this paragraph shall reduce the amount of the fine owed by an amount determined by the court.

SECTION 11. 346.65 (2j) (am) 3. of the statutes is amended to read:

346.65 (2j) (am) 3. Except as provided in pars. (cm), ~~(cr)~~, and (d), shall be fined not less than \$600 nor more than \$2,000 and imprisoned for not less than 45 days nor more than one year in the county jail if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or more.

SECTION 12. 346.65 (2j) (bm) of the statutes is amended to read:

346.65 (2j) (bm) In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) ~~within a 10 year~~

~~period,~~ equals 2, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 2., but the period of imprisonment shall be not less than 5 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than

## ASSEMBLY BILL 405

## SECTION 12

1 5 nor more than 7 days. A person may be sentenced under this paragraph or under  
2 par. (cm) ~~or (cr)~~ or sub. (2) (bm), or (cm), ~~or (dm)~~ or (3r) once in his or her lifetime.

3 **SECTION 13.** 346.65 (2j) (cm) of the statutes is amended to read:

4 346.65 (2j) (cm) In any county that opts to offer a reduced minimum period of  
5 imprisonment for the successful completion of a probation period that includes  
6 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)  
7 and 940.25 in the person's lifetime, plus the total number of suspensions,  
8 revocations, and other convictions counted under s. 343.307 (1) equals 3, except that  
9 suspensions, revocations, or convictions arising out of the same incident or  
10 occurrence shall be counted as one, the fine shall be the same as under par. (am) 3.,  
11 but the period of imprisonment shall be not less than 45 days, except that if the  
12 person successfully completes a period of probation that includes alcohol and other  
13 drug treatment, the period of imprisonment shall be not less than 14 days. A person  
14 may be sentenced under this paragraph or under par. (bm) ~~or (cr)~~ or sub. (2) (bm), or  
15 (cm), ~~or (dm)~~ or (3r) once in his or her lifetime.

16 **SECTION 14.** 346.65 (2j) (cr) of the statutes is repealed.

17 **SECTION 15.** 346.65 (7) of the statutes is amended to read:

18 346.65 (7) A person convicted under sub. (2) (am) 2., 3., ~~4., 4m.,~~ 5., 6., or 7. or  
19 (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than a  
20 48-consecutive-hour period.

21 **SECTION 16.** 973.09 (2) (am) of the statutes is repealed.

22 **SECTION 17. Initial applicability.**

23 (1) This act first applies to violations committed or refusals occurring on the  
24 effective date of this subsection, but does not preclude the counting of other  
25 convictions, suspensions, or revocations as prior convictions, suspensions, or

- 7 - *Insert  
2nd*

1 revocations for purposes of administrative action by the department of  
2 transportation, sentencing by a court, or revocation or suspension of motor vehicle  
3 operating privileges.

4 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0105/P1dn

f.i.l.  
PSH sac

-date-

Representative Ott,

In addition to eliminating the 10-year lookback period for ~~2d~~ offense OWI violations that are sentenced under s. 346.65 (2), this substitute amendment eliminates the 10-year lookback period for ~~2d~~ offense operating a commercial motor vehicle with an alcohol concentration that is greater than 0.04 but less than 0.08 violations that are sentenced under s. 346.65 (2j). Please let me know if that is not your intent. 2nd

The substitute amendment does not retain, from 2013 AB 68, the effective date of January 1, 2015. Please let me know if that is not your intent.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0105/1dn  
PJH:sac:rs

September 6, 2013

Representative Ott,

In addition to eliminating the 10-year lookback period for 2nd offense OWI violations that are sentenced under s. 346.65 (2), this substitute amendment eliminates the 10-year lookback period for 2nd offense operating a commercial motor vehicle with an alcohol concentration that is greater than 0.04 but less than 0.08 violations that are sentenced under s. 346.65 (2j). Please let me know if that is not your intent.

The substitute amendment does not retain, from 2013 AB 68, the effective date of January 1, 2015. Please let me know if that is not your intent.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0105/1  
PJH:sac:rs

ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 68

Remove

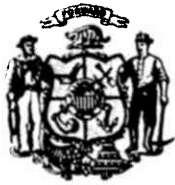
September 11, 2013 - Offered by Representative J. Ott.

**SEPTEMBER 11, 2013 - OFFERED BY REPRESENTATIVE J. OTT.**

1     **AN ACT to repeal** 346.65 (2) (am) 4., 346.65 (2) (am) 4m., 346.65 (2) (dm), 346.65  
2           (2j) (cr) and 973.09 (2) (am); and **to amend** 346.65 (2) (am) 2., 346.65 (2) (am)  
3           5., 346.65 (2) (bm), 346.65 (2) (cm), 346.65 (2) (f) 2., 346.65 (2c), 346.65 (2g) (a),  
4           346.65 (2g) (ag), 346.65 (2j) (am) 2., 346.65 (2j) (am) 3., 346.65 (2j) (bm), 346.65  
5           (2j) (cm) and 346.65 (7) of the statutes; **relating to:** driving a vehicle while  
6           under the influence of an intoxicant.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

7           **SECTION 1.** 346.65 (2) (am) 2. of the statutes is amended to read:  
8           346.65 (2) (am) 2. Except as provided in pars. (bm) and (f), shall be fined not  
9           less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more  
10          than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the  
11          person's lifetime, plus the total number of suspensions, revocations, and other



ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 68

fixed  
11-01-2013

September 11, 2013 – Offered by Representative J. Ott.

1 **AN ACT to repeal** 346.65 (2) (am) 4., 346.65 (2) (am) 4m., 346.65 (2) (dm), 346.65  
2 (2j) (cr) and 973.09 (2) (am); and **to amend** 346.65 (2) (am) 2., 346.65 (2) (am)  
3 5., 346.65 (2) (bm), 346.65 (2) (cm), 346.65 (2) (f) 2., 346.65 (2c), 346.65 (2g) (a),  
4 346.65 (2g) (ag), 346.65 (2j) (am) 2., 346.65 (2j) (am) 3., 346.65 (2j) (bm), 346.65  
5 (2j) (cm) and 346.65 (7) of the statutes; **relating to:** driving a vehicle while  
6 under the influence of an intoxicant.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

7 **SECTION 1.** 346.65 (2) (am) 2. of the statutes is amended to read:  
8 346.65 (2) (am) 2. Except as provided in pars. (bm) and (f), shall be fined not  
9 less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more  
10 than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the  
11 person's lifetime, plus the total number of suspensions, revocations, and other

## Barman, Mike

---

**From:** Mueller, Virginia  
**Sent:** Tuesday, November 05, 2013 9:31 AM  
**To:** Barman, Mike  
**Subject:** How to obtain a FE based on ASA1-AB68 (see yellow shaded paragraph in attachment)

Mike,

we know how to request fiscal estimates. AB 68 was all of a sudden moved quickly (we were told the bill was dead) at the bequest of the Speaker's office and the supplemental fiscal estimate requests were made the way they were at their recommendation.

If you have concerns about the process, please address them there.

Thanks

Ginger Mueller  
Office of Rep. Jim Ott

---

**From:** Augustyn, Ryan  
**Sent:** Tuesday, November 05, 2013 9:24 AM  
**To:** Mueller, Virginia  
**Subject:** FW: How to obtain a FE based on ASA1-AB68 (see yellow shaded paragraph in attachment)  
**Importance:** High

---

**From:** Barman, Mike  
**Sent:** Tuesday, November 05, 2013 9:07 AM  
**To:** Augustyn, Ryan  
**Cc:** Rep.OttJ  
**Subject:** How to obtain a FE based on ASA1-AB68 (see yellow shaded paragraph in attachment)  
**Importance:** High

<< File: FE Options (2010 04-01).doc >>

DOT contacted me and said you were interested in obtaining a FE based on ASA1 to AB 68. I will contact you shortly to see if you have any questions.

**Mike Barman (Lead Program Assistant)**

State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

## **Alternative Fiscal Estimate Options**

### **Fiscal estimates initiated by the bill's primary author (sponsor):**

1. **Before a state agency's *ORIGINAL* fiscal estimate on the bill is "released" (during the author's five-day review period)** ... the primary author of an introduced bill may contact the agency that prepared the *ORIGINAL* fiscal estimate, explain his or her concerns, and request a rewrite. If the agency decides not to rewrite the fiscal estimate, it will be "released" (without changes) by the Legislative Reference Bureau (LRB) at the end of the five day review period. If the agency agrees to rewrite the estimate and the primary author wishes to delay publication, the agency must immediately notify the LRB (ph. 266-3561). The fiscal estimate will then be returned to the agency for a rewrite. Only the agency's rewritten *ORIGINAL* fiscal estimate will be "released" (published and inserted into the bill jacket envelope). However, both the rewritten and the initial *ORIGINAL* fiscal estimates will be available for public inspection in the LRB drafting file. See Joint Rule 48 (4).
2. **Before a state agency's *ORIGINAL* fiscal estimate on the bill is "released" (during the author's five-day review period)** ... the primary author of an introduced bill may contact the LRB (ph. 266-3561) and request that the agency prepare an additional *ORIGINAL* fiscal estimate that takes into account any changes resulting from a proposed simple or substitute amendment (un-introduced or introduced). See Joint Rule 48 (2).
3. The primary author of an introduced bill may at any time request that the Legislative Fiscal Bureau (LFB) or the Department of Administration (DOA) prepare a *SUPPLEMENTAL* fiscal estimate on a bill's impact on a state agency if he or she disagrees with the fiscal estimate prepared by the agency. Please contact the LRB (ph. 266-3561) if you wish to initiate this option. See Joint Rule 48 (3).
4. **After the *ORIGINAL* fiscal estimate on the bill has been "released"** ... the primary author of an introduced bill may contact the presiding officer (of either house) and request a *SUPPLEMENTAL* fiscal estimate that takes into account any changes resulting from a proposed simple or substitute amendment. If the presiding officer agrees that a *SUPPLEMENTAL* fiscal estimate would be substantially different from the *ORIGINAL* fiscal estimate submitted by the state agency, they may formally submit a request (in writing – via e-mail to the LRB) to have the agency prepare a *SUPPLEMENTAL* fiscal estimate. See Joint Rule 41 (3) (b).
5. The state agency may at any time, at its discretion, submit an *UPDATED* fiscal estimate supplementing its *ORIGINAL* estimate if it has available better or more current information on the original bill. If the primary author of the bill feels the *ORIGINAL* fiscal estimate is inaccurate, and can provide more complete information to the agency, this may be a good option to initiate. See Joint Rule 41 (3) (e).

**Barman, Mike**

---

**From:** Kelly, Scott  
**Sent:** Tuesday, November 05, 2013 9:45 AM  
**To:** Barman, Mike  
**Subject:** Revised FE for AB 68



Hi Mike –

Please order/release a fiscal estimate for the substitute amendment for AB 68 and it's senate companion.

Thanks

Scott

**Scott Kelly**  
Legislative Director  
Senator Mike Ellis  
Senate President  
608-266-0718  
[scott.kelly@legis.wi.gov](mailto:scott.kelly@legis.wi.gov)

[HELP](#)**Edit the Request****Add A New Request**

**Results:** The request has been submitted to the Fiscal Estimate Coordinator with no draft/bill attached.

**LRB Number:** ! 13s0105/1

**Introduction Number:** ASA1-AB68

**Description:**

**Comment:** "Supplemental" FE requested by DOT

**Public:** ☒ checked if the request and draft/bill are to be public

**DRAFT/BILL:** Not Attached

**ATTACH A RELATED DOCUMENT**

Browse to choose the document you would like to attach. Click ATTACH to add the document to the request.

Note: The filename for the attachment must be 50 characters or less.